

**TOWN OF DARIEN
ZONING BOARD OF APPEALS**



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MAY 18 2023

TOWN CLERK'S OFFICE
DARIEN CT.

**REGULAR MEETING
AGENDA**

Wednesday, May 24, 2023 7:30 P.M.
Public Meeting Room 206
Darien Town Hall, 2 Renshaw Road
Darien, Connecticut

OPENING

Requests to the ZBA involve important legal property rights. The proposal may expand one owner's limitations and reduce others' protections as defined within the Zoning Regulations. Therefore, any information considered must be clearly provided and all hearing comments are recorded. **Please speak only into the microphones near the podium. In order to avoid unnecessary distractions, please silence all electronic/communication devices and avoid side conversations** within the meeting room and hallway near the door.

The ZBA will make every reasonable effort to complete this agenda in a timely manner. However, complications may arise and it may be difficult to properly consider all of the requests tonight. You can be helpful by making your presentation efficiently. Due to necessary scheduling of ZBA members, and possible involvement with other Board/Commission review, the following items may be considered out of sequence. Application requests may be heard and then deliberated one by one rather than all the deliberations occurring at the end of the meeting. Please understand that one or more hearing items may need to be opened and continued to a subsequent meeting and some hearings may be completed tonight but ZBA deliberation of the requests may be postponed to a later date. After the hearing of the project you are interested in is concluded, you may choose to make subsequent inquiries about a possible decision to ZBA office staff at 203-656-7351 during regular business hours.

POSTPONEMENTS AND CONTINUATIONS

CALENDAR NO. 4-2023 TO BE REOPENED AND IMMEDIATELY RECONTINUED
TO JUNE 14, 2023 AT THE APPLICANT'S REQUEST

The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of **David B. Massey and Meredith M. Timbers** submitted on March 6, 2023 for an appeal of

the issuance of a Certificate of Zoning Compliance by Zoning Enforcement Officer Herve Hamon in respect of Building Permit #B42405 for an inground pool and related site development at 3 Haskell Lane owned by Joseph and Danielle Paccione. The subject property is situated on the north side of Haskell Lane approximately 140 feet east of Hollow Tree Ridge Road and is shown on Assessor's Map #9 as Lot #165, being 3 Haskell Lane and located in an R-1 (residential) Zone.

Additional changes to the meeting agenda may occur after posting and would be announced at the beginning of the meeting.

PUBLIC HEARINGS

CALENDAR NO. 8-2023 The application of Mark S. Lebow and Seymour Surveying on behalf of Sarah Whitman & Ryan Baxley submitted on April 19, 2023 for variances of Sections 406 and 906 of the Darien Zoning Regulations, to allow the construction of a second story addition, the installation of AC equipment, and a reduction of required parking; Section 406: 14.8 in lieu of 25.0 feet minimum required front yard setback and 27.8 in lieu of 50.0 feet minimum required front yard setback as measured from the centerline of Raymond Street; 17.7 in lieu of 25.0 feet minimum required front yard setback and 27.7 in lieu of 50.0 feet minimum required front yard setback as measured from the centerline of Raymond Heights; 5.7 in lieu of 8.0 feet minimum required side yard setback; on a lot with 20.5 in lieu of 20.0% maximum building coverage, for the addition; and 3.3 in lieu of 8.0 feet minimum required side yard setback; 39.8 in lieu of 50.0 feet minimum required front yard setback as measured from the centerline of Raymond Street for the AC equipment; and Section 906: removal from the garage of one of the two required parking spaces and parking located within the front yard setback. The property is situated on the west side of Raymond Street and the north side of Raymond Heights at the north corner formed by the intersection of Raymond Street and Raymond Heights and is shown on Assessor's Map #36 as Lot #128, being 11 Raymond Street and located in an R-1/5 (residential) Zone.

CALENDAR NO. 9-2023 The application of Thomas Stalzer on behalf of Dana Massey & Todd Pekala submitted on April 19, 2023 for a variance of Section 406 of the Darien Zoning Regulations, to allow the existing deck and staircase to remain; Section 406: 32.4 in lieu of 40.0 feet minimum required rear yard setback. The property is situated on the west side of Andrews Drive approximately 400' south the north intersection of Brushy Hill Road and is shown on Assessor's Map #63 as Lot #45, being 55 Andrews Drive and located in an R-1 (residential) Zone.

CALENDAR NO. 7-2023 The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Daniel and Lindsey Zevnik submitted on June 16, 2021 for variances of Section 406 of the Darien Zoning Regulations and for an appeal, under Sections 1122, 339f and 210 of the Darien Zoning Regulations, of the order, requirement,

decision, and/or determination of the Zoning Enforcement Officer; to allow the construction of second story and one and one-half story additions, and to reduce the applicable east property line setback; Section 406: 11.1 in lieu of 25.0 feet minimum required north rear yard setback; and if necessary 50.2 in lieu of 90.0 feet minimum required east front yard setback; and Sections 1122, 339f and 210: a determination that the subject lot was created before March 4, 1960 and the east property line has a 25' rear setback rather than a 90' front setback. The property is situated on the west side of Five Mile River Road accessed by a common driveway approximately 380 feet north of Davis Lane and is shown on Assessor's Map #66 as Lot #35, being 102 Five Mile River Road and located in an R-1/2 and R-1 (residential) Zone.

CONTINUATION OF PUBLIC HEARING

Opened on April 19, 2023 and immediately continued to tonight, May 24, 2023 at the applicant's request. Since no testimony, comment, or additional information was provided to the ZBA on April 19th, the seated ZBA panel for this request is those members present tonight. This hearing must be completed by tonight May 24th (within 35 days after its April 19th opening). The applicant may provide up to a 65 day extension allowing the ZBA to continue this hearing to a later meeting date. Or the ZBA may provide an advisory of the deficient information available to properly evaluate the proposal and Deny the application Without Prejudice.

CALENDAR NO. 5-2023 The application of Jackie Kaufman and Carmody Torrance Sandak & Hennessey, LLP on behalf of Leslie Gold submitted on March 10, 2023 for an appeal of a decision of the Zoning Enforcement Officer, Herve Hamon, to Nicholas Ackerman (Agent) and John & Charlotte Suhler (Owners) granted in connection with the issuance of Building Permit Application and Building Permit #B-22-708 for an inground pool and spa and associated improvements. The property is situated on the west side of Long Neck Point Road approximately 1,400 feet south of the intersection of Pear Tree Point Road and is shown on Assessor's Map #61 as Lot #18C, being 200 Long Neck Point Road and located in an R-1 (residential) Zone.

DELIBERATIONS AND DECISIONS

Discussion, deliberation and possible decisions for Public Hearing request items listed above. Four affirmative votes out of the five seated ZBA members are required to approve a proposal. Decisions are made after the ZBA members review the public hearing comments, submitted plans and other application materials, and carefully consider possible stipulations to ensure the best possible project fit among the neighboring properties. If complications arise ZBA deliberation of the requests may be postponed or continued to a later meeting date.

OTHER BUSINESS

This portion of the meeting is not a Public Hearing. Applicants and other interested parties are welcome to quietly observe the ZBA and staff fulfilling their regulatory responsibilities for the overall benefit of the community. Any expression from the audience is inappropriate and constitutes grounds for tabling the matter referred to or denying it without prejudice.

1. Approval of Minutes of meeting on March 15, 2023. ZBA members attending this meeting were Jeff Williams, Matt Lauria, Gary Greene, Barb Hazelton, and John McGrath.
2. Report of Committee researching possible policy regarding historic preservation considerations with the evaluation of variance requests.
3. General discussion of Application Materials, applicant identity, application review procedures, hearing guidelines, hardship criteria, decision practices/guidelines/staff questions, project fit relative to neighbor properties, supervision/inspection of construction projects, and/or requested changes.
4. Any other business (a minimum 2/3, 67%, i.e. 3/4, 4/5, or 4/6, favorable vote of members present and voting is required to add an item to the agenda).

ADJOURNMENT